

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 2, 1991

ALL COUNTY LETTER NO. 91-59

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ELIMINATION OF THE STATE-ONLY AID TO FAMILIES WITH
DEPENDENT CHILDREN UNEMPLOYED PARENT (AFDC-UP) PROGRAM

REFERENCE: MPP 41-600 - STATE-ONLY AFDC-U PROGRAM
MPP 41-700 - STRIKER ASSISTANCE PROGRAM
MPP 44-205.644 - FBU COMPOSITION AND NEED
MPP 44-207.44 -- FBU COMPOSITION AND NEED
MPP 44-207.46 ---FBU COMPOSITION AND NEED
ACL NO. 87-44
ALL COUNTY INFORMATION NOTICE NO. I-09-89
SHAW v. McMAHON COURT ORDER

The purpose of this All County Letter (ACL) is to provide you with information regarding the elimination of the State-only AFDC-U Program effective August 1, 1991. Attached are copies of the regulations that repeal the State-only AFDC-U Program and the Notice of Action (NOA) messages to implement the changes. These regulations were filed with the Office of Administrative Law on July 1, 1991. Also attached is a sample copy of the Rutan Lump Sum Notice showing the strikeout of the State-only U reference.

The repeal of this Program is necessary in order to implement Senate Bill (SB) 724, Chapter 97, Statutes of 1991. SB 724 was signed into law on June 30, 1991, with an effective date of August 1, 1991. Therefore, families who apply for State-only AFDC-U during July who are otherwise eligible, may only be granted aid through July 31, 1991.

The following State programs for non-federal AFDC will terminate on July 31, 1991:

STATE-ONLY AFDC-U (MPP 41-600)

This program is eliminated in its entirety. With the repeal of the State-only AFDC-U regulations, the following Notice of Action messages will become obsolete August 1, 1991:

- o M41-440U, M41-600A, M41-600B, M41-602A, M41-602B, M41-604A, M41-604B, M41-604C, and M41-606A.

The following Notice of Action form will become obsolete July 1, 1991:

- o NA 201 (4/88) Approval AFDC-State-U. TEMP M41-600Et must be used through July 31, 1991.

The following Notice of Action messages including M41-600Et and related instructions have been developed for use and are attached:

- o M41-600Ct, M41-600Dt and M41-600Et.

STRIKER ASSISTANCE PROGRAM (REYNA v. McMAHON) (MPP 41-700)

This regulation specifically provides payments to strikers under the State-only AFDC-U Program pursuant to the Reyna v. McMahon court case. Elimination of the State-only AFDC-U Program removes the basis for the Reyna court decision and the provisions at MPP 41-700. There were no State NOA messages or forms developed for implementation of this regulation.

SHAW v. McMAHON

The repeal of the State-only AFDC-U Program also eliminates benefits paid under the Shaw court order to persons in a period of ineligibility (POI) due to lump sum income.

The following Notice of Action messages will become obsolete on August 1, 1991:

- o M44-207EE, M44-207FF, M44-207GG and M44-207T.

The following Notice of Action messages, which are attached, have been developed and/or amended for continued use in lump sum POI cases:

- o M44-207R, M44-207R1, M44-207R2, M44-207S, and M44-207U.

STATE-ONLY AFDC-U PAYMENTS TO PREGNANT WOMEN (AU of 1) (MPP 44-205.644)

The repeal of the State-only AFDC-U Program does not affect the eligibility of the pregnant woman, assistance unit of one, when deprivation is based on Federal AFDC-U, absence or incapacity. This person is still eligible to receive Federal aid in her last trimester or State aid from the date of application as long as she is otherwise eligible.

However, MPP Section 44-205.644 is repealed. This Section provided aid based on pregnancy to be paid to a pregnant woman, assistance unit of one, when the deprivation of the pregnant woman was State-only AFDC-U.

IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA) ALIENS

The elimination of the State-only AFDC-U Program also impacts IRCA aliens. Benefits will no longer be available to these aliens under the State-only AFDC-U Program.

The following Notice of Action Message will become obsolete on August 1, 1991:

- o M41-440A1.


AFDC FORMS CHANGES

The SAWS 2A, Important Information (Coversheet to the JA 2, Joint Application for Cash Aid & Food Stamps and the SAWS 2, Statement of Facts for Cash Aid, Food Stamps and Medical Assistance) and the CA 20, Statement of Facts at Redetermination include the Rutan Lump Sum Notice. Contained within the Lump Sum Notice is an informational paragraph regarding the State-only AFDC-U Program. Counties are instructed to strike out the information regarding State-only AFDC-U until the SAWS 2A and the CA 20 can be revised to delete the State-only U information. Counties will be notified when stock, which deletes the reference to the State-only U Program, is available. It's expected that this language will be deleted from the SAWS 2A by October 1991 and from the CA 20 by February 1992.

TIMELY AND ADEQUATE NOTICE

All recipients whose benefits will terminate on August 1, 1991 must be provided with a timely and adequate Notice of Action. If a recipient requests a hearing based on the proposed action by the county, he/she would be entitled to Aid Paid Pending (APP) until the state hearing is held or until his/her time-limited eligibility period has expired. APP may not be paid to a family who has requested a state hearing, but whose State-only AFDC-U time-limited eligibility period has expired.

If you have any questions concerning program issues, please contact the following Welfare Policy Implementation Bureau staff at (916) 322-5330 or ATSS 492-5330: For State-only AFDC-U (general information) and payments to strikers: Henry Puga; AU of 1: Karen Maderos; Shaw v. McMahon: Jim Lucas; IRCA Aliens: Dennis Ragasa; AFDC forms: LeAnne Torres; or John Honeycutt for questions related to any NOA forms/messages.


ROBERT A. HOREL
Deputy Director

Attachments

State of California
Department of Social Services

Manual Msg. No.: 41-600Ct
Action : Discontinue
Reason: Deprivation
Title: Ineligible for St-U

Auto ID No. :
Flow Chart No. :
Source : State AFDC-U Repeal
Regulation Cite: MPP 41-600; SB 724; W & I CODE SECTION 11315

Form No. : NA 290
Effective Date : 7/1/91, New
Revision Date :

MESSAGE: As of _____, the County is stopping your cash aid. Here's why:

The cash aid you have been getting comes from the State-Only AFDC-Unemployed Parent Program. A new State law ends this program on the last day of this month.

INSTRUCTIONS: Use to discontinue a family receiving benefits under the State-Only AFDC-Unemployed Parent Program. Fill in the effective date of the action.

State of California
Department of Social Services

Manual Msg. No.: 41-600Dt
Action : Change
Reason: Deprivation

Title: AU Members ineligible
for St-U

Auto ID No. :
Flow Chart No. :
Source : State AFDC-U Repeal
Regulation Cite: MPP 41-600; SB 724; W & I CODE SECTION 11315

Form No. : NA 200
Effective Date : 7/1/91, New
Revision Date :

MESSAGE: As of _____, the County is changing your cash aid from \$ _____ to \$ _____.

Here's why: The following person(s): _____, _____, _____ are no longer eligible.

The cash aid you have been getting for the above person(s) comes from the State-Only AFDC-Unemployed Parent program. A new State law ends this program on the last day of this month.

INSTRUCTIONS: Use to discontinue any AU member who is receiving benefits under the State-Only AFDC-Unemployed Parent Program.
(Complete the instructions-refilling in each blank.)

State of California
Department of Social Services

Manual Msg. No.: 41-600Et
Action : Approval
Reason: Deprivation
Title: Approval/Discontinue
of St-U

Auto ID No. :
Flow Chart No. :
Source : State AFDC-U Repeal
Regulation Cite: MPP 41-600; SB 724; W & I CODE SECTION 11315

Form No. : NA 200
Effective Date : 6/1/91, New
Revision Date :

MESSAGE: As of _____, the County has approved your short-term cash aid. The cash aid will be State-U (State-Only AFDC-Unemployed Parent Program).

Your first day of cash aid is _____. The amount of your cash aid for the first month is \$ _____.
Your last day of aid is _____.

Here's why: The amount is based on the full monthly cash aid figured on this notice.

A family can only get State-U thru the end of _____. As of the last day of this month, a State law ends the program under which you are being aided.

This is the only notice you will get telling you that your State-U cash aid will stop.

INSTRUCTIONS: Use this message when a family applies for State-Only AFDC-U during the last month of State-U and the family is determined eligible thru the end of that month.

Fill in the blanks as appropriate specifying the dates and amount of aid.

Show the budget computation in the right hand column.

State of California
Department of Social Services

Manual Msg. No.: M44-207R
Action : Disc
Reason : Income
Eligibility
Title : Lump Sum Income
and Period of
Ineligibility

Auto ID Number :
Flow Chart No. :
Source : State AFDC-U Repeal
Regulations : 44-207.44

Form Number : NA 210
Effective Date : 03/24/87
Revision Date : 06/04/91

MESSAGE: As of _____, the County is stopping your cash aid
until _____.

Here's why:

In _____ you got a lump sum of money. Your period of
ineligibility is figured on this page.

You may be able to get cash aid sooner if your situation changes. Call
this office right away if:

- You have a new special need, or
- There is a cost-of-living change in the cash aid amount (usually in
July), or
- The lump sum money is spent for medical bills or a life-threatening
circumstance, or
- The lump sum money is lost, stolen or taken from you, or
- The lump sum money is gone for any reason that is not your fault.

Also, if another family member moves into your home, you may be able to
get cash aid sooner or get aid for that person.

To get cash aid again, you must apply for it in person.

INSTRUCTIONS: Use to discontinue an AU and make the AU members
ineligible for a specific period of time (i.e., the period of
ineligibility, or POI) when an AU receives lump sum income.

In the action line, enter the effective date of the discontinuance
action (mm/dd/yy) and the ending date of the POI (mm/dd/yy).

In the body of the message, enter the month and year in which the lump
sum was received (mm/yy).

This message replaces M44-207R (3/24/87).

State of California
Department of Social Services

Manual M No.: M44-207R1
Action : Deny
Reason : Income
Eligibility
Title : Lump Sum Income
and Period of
Ineligibility
Form Number : NA 210
Effective Date : 06/04/91, New
Revision Date :

Auto ID Number :
Flow Chart No. :
Source : State AFDC-U Repeal
Regulations : 44-207.44

MESSAGE: The County has denied your application for cash aid dated
_____ .

Here's why:

In _____ you got a lump sum of money. Your period of
ineligibility is figured on this page.

You may be able to get cash aid sooner if your situation changes. Call
this office right away if:

- You have a new special need, or
- There is a cost-of-living change in the cash aid amount (usually in
July), or
- The lump sum money is spent for medical bills or a life-threatening
circumstance, or
- The lump sum money is lost, stolen or taken from you, or
- The lump sum money is gone for any reason that is not your fault.

Also, if another family member moves into your home, you may be able to
get cash aid sooner or get aid for that person.

To get cash aid again, you must apply for it in person.

INSTRUCTIONS: Use to deny an application and make members of a Filing
Unit ineligible for a specific period of time (i.e., the period of
ineligibility, or POI) when the Filing Unit receives lump sum income.

In the action line, enter the date of application for cash aid
(mm/dd/yy).

In the body of the message, enter the month and year in which the lump
sum was received (mm/yy).

State of California
Department of Social Services

Manual M... No.: M44-207R2
Action : Suspend
Reason : Income
Eligibility
Title : Lump Sum Income
and Period of
Ineligibility
Form Number : NA 210
Effective Date : 06/04/91, New
Revision Date :

Auto ID Number :
Flow Chart No. :
Source : State AFDC-U Repeal
Regulations : 44-207.44

MESSAGE: The County is stopping your cash aid for the month of
_____.

Here's why:

In _____ you got a lump sum of money. Your period of ineligibility is figured on this page. Your period of ineligibility was only one month, so your cash aid will stop for only one month.

You must turn in your Monthly Eligibility Report (CA 7) in the month you are not aided.

You do not need to reapply. If you are eligible, your cash aid will begin again in _____.

You may be able to get a Reduced Income Supplemental Payment for the month you are not on cash aid. Call your worker and ask for a Reduced Income Supplemental Request Form, CA 40.

INSTRUCTIONS: Use to suspend payment to an AU for one month only (i.e., a period of ineligibility, or POI, of "1" or "1 plus remainder income") when an AU receives lump sum income.

In the action line, enter the calendar month for which aid will be suspended (mm/yy).

In the body of the message, enter:

- o The month and year in which the lump sum was received (mm/yy).
- o The month and year after the month of suspension (mm/yy).

State of California

Department of Social Services

Manual Msg. No.: M44-207S, Page
1 of 2

Action : Deny
Reason : Income
Eligibility
Title : Lump Sum Income
Period of
Ineligibility
Not Shortened

Auto ID Number :
Flow Chart No. :
Source : ACL 87-44
Regulations : 44-207.4

Form Number : NA 290
Effective Date : 03/24/87
Revision Date : 06/04/91

MESSAGE: The County has denied your application for cash aid dated
_____ .

Here's why:

- [] Your lump sum period of ineligibility was refigured and is not over yet. The refiguring is shown on the next page.
- [] Your lump sum period of ineligibility was refigured and it did not change. The refiguring is shown on the next page.
- [] The reason you gave for refiguring your lump sum period of ineligibility is not one that the rules allow.

To get cash aid again, you must apply. If something else happens to the lump sum money, call this office right away. Your lump sum period of ineligibility will end in _____ .

State of California

Department of Social Services

Manual Msg. No.: M44-207S, Page
2 of 2

Action : Deny
Reason : Income
Eligibility
Title : Lump Sum Income
Period of
Ineligibility
Not Shortened

Auto ID Number :

Flow Chart No. :

Source :

Regulations :

Form Number : NA 290

Effective Date : 03/24/87

ACL 87-44

: 06/04/91

44-207.4

Revision Date

INSTRUCTIONS: Use to deny an application when recalculation of the period of ineligibility (POI) results in a POI that is shortened but not yet over, a POI that does not change, or when the reason for recalculation of the POI is not an acceptable reason.

In the action line, enter the date of application for cash aid (mm/dd/yy).

In the body of the message:

- o If the POI is shortened, but not yet over, check the top checkbox. **Must be used with M44-207U.**
- o If the POI does not change, check the second checkbox. **Must be used with M44-207U.**
- o If the reason for recalculation of the POI is not an acceptable reason, check the third checkbox.
- o Enter the month and year in which the POI ends (mm/yy).

This message replaces M44-207S (3/24/87) and M44-207T (3/24/87).

State of California
Department of Social Services

Manual sg. No.: M44-207U
Action : Other
Reason : Income
Title : Recalculate
Lump Sum Period
of
Ineligibility

Auto ID Number :
Flow Chart No. :
Source : State AFDC-U Repeal
Regulations : 44-207.46

Form Number : NA 270
Effective Date : 03/24/87
Revision Date : 06/04/91

MESSAGE:

**I. Nonrecurring Special Need Occurs, Lump Sum Spent on Medical Needs,
Or Lump Sum Lost or Taken**

The old lump sum amount plus other net
income in the month received): \$ _____

Amount of your new one-time special need: - _____

The amount you had lost or taken or had to
spend: - _____

A. New lump sum amount: = _____

Basic need for _____ persons: \$ _____

Recurring Special Needs: + _____

Family Needs when you got the lump sum: = _____

II. Cost of Living Increases or Recurring Special Needs

Number of months before the cash aid went
up: x _____

B. Amount of lump sum already counted: = _____

C. Amount of lump sum left: (A - B) = _____

Basic Need for _____ persons (now): \$ _____

Recurring Special Needs (now): + _____

Family needs (now): = _____

III. New Period of Ineligibility

Amount of new lump sum (A);
OR Amount of lump sum left (C);
Divided by your family's needs =
The new number of ineligible months:

Old number of ineligible months:

Old period of ineligibility would end:

New period of ineligibility would end:

There is a remainder of:

\$

It counts against your grant in:

INSTRUCTIONS: Use to show recalculation of a lump sum period of ineligibility (POI). **Must be used with the first or second checkbox of M44-207S.**

- o Complete Section I when recalculating due to a new nonrecurring Special Need, medical expenses or unavailability due to reasons beyond the control of the persons in the POI.
- o Complete Section II using the result from Section I when recalculating due to a change in needs amount (COLA, added person, recurring Special Need).
- o Complete Section III to show the changes in the POI resulting from completion of Section I and/or Section II.

This message replaces M44-207U (03/27/87)

IMPORTANT NOTICE

CASH AID LUMP SUM NOTICE

If you receive lump sum income in the future, you may lose your federal cash aid. Read this notice so that you will know about the lump sum rule.

Lump sum income is money you may get just one time or only once in a while. Lump sums can be past due Social Security, Workers' Compensation or personal injury court awards, lottery winnings, inheritances and the like. There are now very few exceptions.

If you get lump sum income while you are on aid, you will have to live on that money instead of your cash aid. The more you get, the longer you will have to live on it. You will not be able to get federal cash aid even if you have used up the lump sum money before your cash aid can start again.

Here is how the lump sum rule works. We will divide the amount of your lump sum income by the maximum cash grant for your family. So if, for example, you get aid for yourself and two children, and if you get a lump sum of \$6,940, you won't be able to get federal cash aid for 10 months (\$6,940 divided by \$694, the maximum aid grant for a family of three).

~~There is a state program that does not have the lump sum rule. If your federal cash aid stops for more than one month because of the lump sum rule, this program may help you if you are otherwise eligible. However, you can only get cash aid under this state program for three months a year.~~

If you receive lump sum income during a month when you are not on cash aid, then the lump sum rule may not apply. In that case, you could reapply for federal cash aid once you had less than \$1,000.

To avoid problems, don't spend a lump sum until you talk to your worker.

If you have any questions, contact your worker for more information. You may also contact your Legal Aid Office.

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LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY

Regulations

STATE-ONLY AFDC-U PROGRAM

41-602 (Cont.)

41-600 STATE-ONLY AFDC-U PROGRAM

41-600

HANDBOOK BEGINS HERE

The State-only AFDC-U Program is not a component of the federal AFDC Program. This program is a state and county funded program to provide aid to those needy families in which the parent(s) is unemployed and does not qualify the family for federal AFDC-U.

The Department of Social Services and the counties have been enjoined by the Shaw v. McMahon court order from applying EAS Section 44-207.4, the federal lump-sum rule, to the State-only AFDC Program, including single and two-parent households. Counties are required to inform all recipients of lump-sum income, at the time they are notified of a period of ineligibility for federal AFDC, that they may be eligible for three months of State-only AFDC-U after they have spent their lump sum to below the AFDC resource level.

The Department of Social Services and the counties have been enjoined by the Reyna v. McMahon court order from limiting eligibility to State-only AFDC-U benefits to only families in which both parents live in the home.

HANDBOOK ENDS HERE

41-601 GENERAL POLICY

41-601

The State-only AFDC-U Program shall be administered according to the policies and regulations of the federal AFDC Program except as specified in this chapter.

41-602 DEFINITIONS SPECIFIC TO THE STATE-ONLY AFDC-U PROGRAM

41-602

- .1 Unemployed: (See Section 41-400.1(a)).
- .2 "Month" is defined as a period of time which begins on any calendar day of a month and ends on the day prior to the corresponding calendar day in the next calendar month.
- .3 "Calendar month" is defined as the first day through the last day of one of the 12 divisions of a calendar year.
- .4 A "family" is defined as a needy child(ren) deprived because of the unemployment of his/her parents living in the home and any other eligible individual aided with the child(ren) during his/her eligible period.

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41-602 DEFINITIONS SPECIFIC TO THE STATE-ONLY AFDC-U PROGRAM (Continued) 41-602

- .5 A "pregnant woman" is defined as follows:
- .51 A woman aided in a one-person assistance unit, and
 - .52 A woman whose unborn child if born and living with her would be eligible to receive State-only AFDC-U.
- .6 The principal earner is:
- .61 The natural or adoptive parent who has the greater amount of earnings in the last 24 months; or
 - .62 Designated by the family when both parents have the same amount of earnings or no earnings; or
 - .63 Designated by the county if the family fails to designate the principal earner. The county shall determine the principal earner as follows:
 - .631 The principal earner shall be that parent who has the most potential for establishing a connection with the labor force or who has work or training experience which is applicable towards acquiring a connection with the labor force, as specified in Section 41-440.4; or
 - .632 The principal earner shall be whichever parent the county designates, if neither parent has any work or training experience which is applicable towards acquiring the connection with the labor force as specified in Section 41-440.4.
 - .633 The principal earner shall remain the principal earner once the determination has been made unless the other parent meets the definition of principal earner in accordance with Section 41-440.411 and qualified for federal AFDC-U in accordance with Section 41-440.4.

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41-603 DEPRIVATION FOR STATE-ONLY AFDC-U PROGRAM BENEFITS 41-603

.1 The family of an unemployed parent as specified in Section 41-440.1(a), may be eligible for benefits under the State-only AFDC-U Program if the county determines that:

.11 Both parents in the home are unemployed,

OR

.12 In a home in which one parent lives, that parent is unemployed,

AND

.13 In one- or two-parent families, no parent living in the home meets the requirements for federal AFDC-U specified under Section 41-440,

AND

.14 Deprivation is due to the unemployment of the principal earner.

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The court orders in Reyna v. McMahon and Shaw v. McMahon provide that State-only AFDC-U parent deprivation may exist for single parent families in cases where the caretaker relative is on strike or the family is in a lump-sum period of ineligibility. Section 41-603.12 does not apply to those families receiving aid under these court orders.

HANDBOOK ENDS HERE

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41-604 EMPLOYMENT DEVELOPMENT DEPARTMENT JOB SERVICES (EDD-JS) 41-604
REGISTRATION REQUIREMENT

- .1 The work registration requirements is found in Welfare and Institutions Code Section 11201 which requires that:

HANDBOOK BEGINS HERE

- .11 The principal earner, who is not ill (as defined in Section 42-633), incapacitated (as defined in Section 42-635), or over age 65, shall register for employment and cooperate with EDD (see Section 41-441 for procedures), and shall either:

.111 be available for and seeking employment, or

.112 be accepted for or participating in a training program approved by DSS which is essential for future support.

HANDBOOK ENDS HERE

- .2 This requirement is met as follows:

.21 Accepting a bona fide offer of employment.

.22 Continuing existing part-time employment.

.23 Participating in employment related training approved or provided by EDD.

.24 Appearing for interviews arranged by EDD-JS with an employer.

.25 Reporting to EDD-JS when called in by EDD-JS.

- .3 No other nonfederally eligible individuals in the State-only AFDC-U assistance unit are required to register with EDD-JS.

- .4 Failure of the principal earner, who is required to register with EDD-JS, to meet the requirements of this section shall result in ineligibility for the family. The work registration requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid.

NOTE: Authority cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code. Reference: Sections 11056, 11201(b), and 11315, Welfare and Institutions Code.

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LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY

Regulations

STATE-ONLY AFDC-U PROGRAM

41-606 (Cont.)

41-605 REFUSAL OF JOB OFFER

41-605

- .1 The applicant principal earner for State-only AFDC-U, not including a principal earner applying for Striker Assistance (Section 41-703.33), shall not have within 30 days before the beginning date of aid:
 - .11 refused a bona fide offer of employment without good cause, or
 - .12 refused an offer for additional employment without good cause when he/she is employed part-time, or
 - .13 terminated his/her employment without good cause.
- .2 The family of the applicant principal earner who does not meet the requirement of Section 41-605.1 shall be ineligible for 30 days from the date of the refusal or termination.
- .3 Principal earners who are currently receiving State-only AFDC-U shall not:
 - .31 refuse a bona fide offer of employment without good cause, or
 - .32 refuse an offer of additional employment without good cause when he/she is employed part-time, or
 - .33 terminate his/her employment even if less than 100 hours a month without good cause.
- .4 The family that is currently receiving State-only AFDC-U shall be ineligible for 30 days beginning the first of the month following the month when the principal earner does not meet the requirements of Section 41-605.3.
- .5 Good cause shall be determined by the county welfare department using the WIN good cause criteria in accordance with Section 42-688.3.

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41-606 UNEMPLOYMENT INSURANCE BENEFITS (UIB) REQUIREMENT

41-606

- .1 The principal earner, who is apparently eligible for UIB, shall apply for, meet all conditions of eligibility for, and accept any UIB to which EDD determines he/she may be eligible.
 - .11 See Section 44-103.115(a) for the listing of the principal earners who are not apparently eligible for UIB and are not required to apply for UIB.

CALIFORNIA-SDSS-MANUAL-EAS

MANUAL LETTER NO. EAS-89-04

Issued 7/1/89

Issue 123

LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY

41-606 (Cont.)

STATE-ONLY AFDC-U PROGRAM

Regulations

41-606 UNEMPLOYMENT INSURANCE BENEFITS (UIB) REQUIREMENT (Continued) 41-606

.12 See Section 44-103.24 for the definition of "meet all conditions of eligibility for" UIB.

.2 Failure of such a principal earner to apply for UIB, meet all conditions of eligibility for UIB, and accept UIB shall result in ineligibility of the family for State-only AFDC-U benefits.

41-607 TIME LIMITATION TO STATE-ONLY AFDC-U ELIGIBILITY 41-607

.1 Eligibility for State-only AFDC-U Program benefits shall not exceed three months in any 12-consecutive-month period.

.11 Repealed by Manual Letter No. EAS-90-04, effective 10/1/90.

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Note: The three-month limit to State-only AFDC-U Program benefits does not apply to those families who are receiving State AFDC under Darces v. Woods or Simon v. McMahon cases; or receiving State AFDC as a result of an uncollectable technical overpayment. (See Section 44-350.)

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.2 Eligibility for State-only AFDC-U Program benefits for a pregnant woman in a one-person assistance unit shall not exceed three months in any 12-consecutive-month period. (See Section 41-608.13.)

.3 If a family's State-only AFDC-U assistance is discontinued prior to the expiration of the eligibility period, assistance may be restored later for the remaining portion of the eligibility period during that 12-consecutive-month period.

.4 Eligibility for State-only AFDC-U assistance does not exist during the ineligible period for an otherwise eligible person whose needs were not considered for State-only AFDC-U during the family's eligible period.

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CALIFORNIA-SDSS-MANUAL-EAS

MANUAL LETTER NO. EAS-90-04

Effective 10/1/90

Rev. 604 replaces Issue 124

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.41 EXAMPLE:

A family consisting of father, mother and two children receives State-only AFDC-U for June, July, and August. 1) A third child returns to the home on July 15th. That child is only eligible to receive aid from July 15th through August 31. 2) A fourth child returns to the home after August 31, no eligibility exists for State-only AFDC-U until the following June.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

41-608 THE 12-CONSECUTIVE-MONTH PERIOD FOR STATE-ONLY AFDC 41-608

.1 The 12-consecutive-month period shall be established as follows:

- .11 The 12-consecutive-month cycle begins on the beginning date of aid for State-only AFDC-U and ends on the day before the corresponding date one calendar year later.
- .12 The 12-consecutive-month cycle for a pregnant woman in a one-person assistance unit begins on the beginning date of aid for State-only AFDC-U assistance and ends on the day before the corresponding date one calendar year later.
- .13 A woman shall be eligible to receive State-only AFDC-U twice in a 12-month cycle when:
 - .131 She receives State-only AFDC-U as a pregnant woman in a one-person assistance unit, and
 - .132 She receives State-only AFDC-U as a member of a family.

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41-608 THE 12-CONSECUTIVE-MONTH PERIOD FOR STATE-ONLY AFDC (Continued) 41-608

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EXAMPLE:

A pregnant woman in a one-person assistance unit receives State-only AFDC-U for August, September, and October. The child is born in December and the family applies for State-only AFDC-U. The aid is granted January 1 and the family receives State-only AFDC-U for January, February and March.

The 12-consecutive-month period for the pregnant woman begins on August 1 and ends on July 31 of the following year.

The 12-consecutive-month period for the family, including the mother of the child who received State-only AFDC-U as a pregnant woman in August, September and October, begins on January 1 and ends on December 31st of that year.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

41-609 DISCONTINUANCE AND NOTICE OF ACTION REQUIREMENTS 41-609

- .1 Aid to the family shall be discontinued effective on the date of expiration of the eligibility period. The eligibility period may expire on any date up to and including the last day of a calendar month.
- .2 At the time aid is approved, a family shall be informed in writing that:
 - .21 The eligibility period for State-only AFDC-U is time limited; and,
 - .22 Aid payments shall terminate at the end of the specified period; and,
 - .23 If the family disagrees with the proposed action, the family has the right to request a state hearing.

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- .3 Aid under this Section shall not be paid to a family that has requested a state hearing, but whose time-limited eligibility period has expired. (See Section 22-022 for state hearing requirements.)

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LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS

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CHAPTER 41-700 MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS

41-702 DEFINITIONS

41-702

- .1 State-only Assistance - Assistance payments available to families who are ineligible for federal AFDC or would have income computed against the grant under a federal program which cannot be so computed under state law (including court orders).

41-703 STRIKER ASSISTANCE PROGRAM (REYNA V. MCMAHON)

41-703

- .1 Striker benefits shall be administered according to State-only AFDC-U Program (see Section 41-600), except as specified in this chapter.

- .2 Definitions Specific to the Strikers' Assistance Program.

- .21 A strike is defined as any concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees, except as specified in Section 41-703.222.

- .22 Participation in a strike is defined as follows:

- .221 An applicant or recipient will be considered to be participating in a strike if he or she has voluntarily stopped or slowed down work or otherwise interrupted the business activities of the employer as part of a concerted activity described in Section 41-703.21. When the applicant or recipient has been denied Unemployment Insurance Benefits because he or she has voluntarily left work due to a trade dispute, that person will be considered to be participating in a strike, except as specified in Section 41-703.222.

- .222 Stoppage or slowdown of work by employees in good faith shall not be considered a strike or participation in a strike when a lockout has occurred or when the action was necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by Division of Occupational Safety and Health.

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41-703 STRIKER ASSISTANCE PROGRAM (REYNA V. MCMAHON) 41-703
(Continued)

.23 A "Striker" is defined as an applicant or recipient who, on the last day of the month, is participating in a strike as defined in Sections 41-703.21 and .22.

.24 The county shall anticipate that the individual will be participating in a strike on the last day of the month when:

.241 an applicant or recipient is currently participating in a strike, and

.242 it is expected that the strike will continue.

.3 Eligibility for Striker Assistance

The family that is not an existing State-only AFDC-U case shall be eligible for benefits to strikers under the State-Only AFDC-U Program when:

.31 Federal eligibility ceased as the result of participation in a strike as defined in Section 41-703.2, and

.32 The family meets the requirements for State-Only AFDC-U specified under Chapter 41-600, except as a direct result of participation in a strike.

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41-703 STRIKER ASSISTANCE PROGRAM (REYNA V. MCMAHON) 41-703
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- .321 Strikers are ineligible for UIB, and should not be referred to EDD to apply for UIB.

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- .33 The striker has not refused an offer of employment within thirty (30) days prior to receiving aid.

- .331 The job from which the striker is striking shall not be considered.

.4 Other Requirements to the State-Only AFDC-U Striker Assistance Program

- .41 The Strikers Assistance Program shall be time limited as specified in Section 41-607, and

- .411 The 12-consecutive-month period shall be established as specified in Section 41-608.

- .412 Discontinuance and Notice of Action requirements shall be followed as specified in Section 41-609 and Section 22-022.14.

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44-205 ESTABLISHING THE FBU (Continued)

44-205

- a. The unaided father shall be added to the assistance unit effective the date the father meets all eligibility requirements, on or after the date the child is born.

.64 An FBU of one without an eligible child may be established for a pregnant woman who meets all of the following conditions:

.641 The pregnant woman and the unborn child, if born and living with the mother, would be eligible for AFDC in the month of payment.

.642 The woman has provided medical verification of pregnancy to the county.

Medical Verification is a written statement from a physician or physician's assistance or by an authorized member of the physician's staff with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated due date.

.643 The pregnant woman could not be an eligible person in an existing or applicant FBU.

~~.644 When the deprivation of the pregnant woman one-person FBU is State-only AFDC-U, the limitations in EAS Chapter 41-600 apply.~~

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.7 Separate FBU

.71 A separate FBU for an otherwise eligible person(s) whose needs were not considered in the lump-sum computation may be established when the existing FBU is in the period of ineligibility resulting from receipt of lump-sum income.

.72 Repealed by SDSS Manual Letter No. EAS-88-05, effective 5/28/88.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 250.34(c)(3); and Section 11327.5(c)(3), Welfare and Institutions Code, AB 312, Chapter 1568, Statutes of 1990.

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU)

44-206

.1 The following persons shall be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.4 or .5):

(a) A person who receives SSI/SSP, RDP, RCA, or AFDC-FC.

44-207 INCOME ELIGIBILITY (Continued)

44-207

- (c) Use the remainder from this subtraction for the lump-sum income amount and apply the lump-sum income calculation to establish a revised period of ineligibility. (See Section 44-207.42.) The revised period of ineligibility shall begin in the same month as the originally calculated period of ineligibility.
- (d) When the remainder from this subtraction is less than the MBSAC for the family (including any excluded person) plus special needs for the FBU, the amount shall be counted as income in the month following the period of ineligibility.

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Example: Same case situation as the example in .461 above. The family is eligible for a nonrecurring special need item in April 1987. The family applies to shorten the period of ineligibility in April 1987. $\$10,000 - \$500 = \$9,500$. The $\$9,500$ is divided by $\$500$. The new period of ineligibility is 19 months with no remainder.

- .47 The Department of Social Services and the counties have been enjoined by the Shaw v. McMahon court order from applying EAS 44-207.4, the federal lump-sum rule, to the State-only AFDC-U program, including single and two parent households. Counties are required to inform all recipients of lump-sum income, at the time they are notified of a period of ineligibility for federal AFDC, that they may be eligible for up to three months of State-only AFDC-U when the amount of lump sum retained, plus any other resources, falls below the AFDC resource level. (See ACLs 84-104, 85-25, 85-67, 85-92 and ACIN I-60-85.)

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44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FINANCIAL PARTICIPATION

44-209

.1 General

If an FBU is determined to be financially eligible and an aid payment is to be issued, it is necessary to determine whether federal financial participation is available for each person in the FBU. For purposes of determining federal financial participation, AFDC recipients shall be categorized into three groups: